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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,246	12/28/2000	Sridhar Obilisetty	VNET-P001	7477

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EXAMINER.

PIERRE, MYRIAM

ART UNIT	PAPER NUMBER
2654	

DATE MAILED: 11/17/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,246

Applicant(s)

OBILISSETTY, SRIDHAR

Examiner

Myriam Pierre

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-14, 16-24, and 26-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Howes (6,738,784).

As to claims 1, 11 and 21, Howes teaches

a method for capturing and transcribing information

receiving via Internet (**Fig 2; transmission between two devices through**

Internet, col. 5, lines 26-28), a voice file from a first remote device (**col. 2, lines**

54-55) said voice file digitized data (**digital form, col. 5, line 33-34)** representing

a recorded message (**col. 7, lines 20-21)**;

sending a voice file to a remote transcription service provider via the Internet (**voice**

filed received by transcription center, via Internet, col. 2, lines 57-58 and

col. 5, lines 14-15 and 27-28);

receiving via the Internet a transcript file from remote transcription provider (**text form**

sent via internet, col. 5, lines 26-28 and col. 10, lines 21 and 29), transcription

file comprising a transcribed version of said recorded message (**voice file stored converted to text file or transcription file, col. 8, lines 51-53 and 58-60**); distributing said transcribed version to a second remote device (**transmission between two devices via Internet (remote computer network), col. 5, lines 26-28 and col. 10, lines 20-22 and 25-27**).

Howes teaches a computer system (**two way Internet exchange requires the use of a computer system such as keyboard, monitor, etc. col. 13, lines 13-14**) with inherent computer readable medium (**computer, col. 5, line 60**) to operate software applications.

As to claim 2, 12 and 22, Howes teaches information is a medical record (**col. 13, line 3**).

As to claim 3, 13 and 23, Howes teaches voice file is received in step a) from a computer system communicatively coupled to a telephone (**communications to physical work station (which has computer system) via telephone, col. 4, line 54**), wherein said recorded message is recorded by said computer system (**voice file is stored/recorded by computer system/server, col. 6, lines 13-14**) from said telephone and wherein said recorded message is digitized by said computer system (**voice is sent in digital form, uses IP telephony for delivery of voice information, col. 5, lines 31-34**).

As to claim 4, 14, and 24, Howes teaches

voice file is received in said step a) from a dictation device communicatively coupled to a telephone (**Fig 1 12a-12c, telephone and dictation device**), wherein said recorded message is recorded by said dictation device from said telephone (**communications to physical work station (which has computer system) via telephone, col. 4, line 54**) and wherein said recorded message is digitized by said dictation device (**Dictaphone input device, col. 4, lines 66-67**), and wherein said voice file is received from said dictation device without using a port of said dictation device (**voice file is sent via server, col. 8, line 46-48**);

As to claim 6, 16 and 26, Howes teaches

providing instructions to said first remote device via the Internet (**examiner reads 'first remote device' as "mobile wireless communication device" or "remote workstation", and transmission between devices are via Internet, voice instructions, col. 4, lines 54 and col. 5, lines 15-16, 26-29 and col. 7, lines 43-46**) wherein said instructions (**col. 4, lines 31-36**) are for implementing a user interface (**examiner reads 'user interface' as word processor used in a remote workstation, col. 9, lines 24-26 and col. 4, line 54 and col. 5, lines 15-16**) according to user preferences (**manual transcribing of voice files to a word processor to update document processing, col. 8, line 40**).

As to claim 7, 17 and 27, Howes teaches

sending transcription version of said recorded message to a facsimile machine
(distribution can include facsimile, col. 10, lines 29-30).

As to claim 8-9, 18-19 and 28-29, Howes teaches

sending transcription file to a remote device operable to print said transcribed
version **(distribution via e-mail, e-mail and displayable data is printable, col.
10, lines 29-30).**

As to claim 10, 20 and 30, Howes teaches

sending said voice file to a remote device operable to make said voice file audible
(inherent in manual transcription of voice files col. 9, lines 63-64).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 15, and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Howes (6,738,784).

As to claim 5, 15 and 25, Howes teaches

monitoring status of the system (**provides scheduling and routing of voice files, col. 6, lines 31, and 33-34).**

At the time of the invention, it would have been obvious to one of ordinary skill in the art to monitor voice files that are manually transcribed, for the purpose of monitoring the status of the system to update incoming transcription files. One skilled in the art would have been motivated to check the status of the system by monitoring it.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows:

Jones (6,175,822) teaches a network based transcription in which digital data sent via Internet to a remote location to be manually transcribed.

Swinney (6,259,657) teaches a handheld dictation system which transmits electronically data to a processing center/remote location to be manually transcribed.

Kahn et al. (6,122,614) teaches automatically transcribing and manual transcribing of voice file, contact made via the Internet (email) or remote device, returns transcription file to the user.

Kikinis (5,875,436) teaches transcription system in which user can access remotely, voice files sent to transcribed workstation/technicians.

Feller (6,298,326) teaches dictation center converts voice dictation via telephone transmission of voice dictation, in which it is transcribed manually and telephonically transmits typed text back to user, displaying and/or printing transcription of the user.

Sheffield et al. (6,697,841) teaches a dictation system via two personal computers, the first computer has transcription device in which information is typed, then sent via the electronic mail to the second computer.

DeLaHueraga (6,409,330) teaches remote data collecting, gathering information for storing and accessing information.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Myriam Pierre whose telephone number is 703-605-

1196. The examiner can normally be reached on Monday – Friday from 5:30 a.m. - 2:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Smits can be reached on 703-306-3011. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information As to the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MP

11/08/04


RICHMOND DORVIL
SUPERVISORY PATENT EXAMINER